

REMARKS

By the present amendment, applicant has cancelled the original claims and has rewritten them as new claims 22-42 in more appropriate US form thereby to overcome the Examiner's objections and rejections of the claims under 35 USC §112.

Applicant submits that the new claims are now clear of the Section 112 rejections.

The Examiner's rejection of the original claims under 35 USC §102 or 103 for being anticipated by the Rohrbaugh et al. published US application no. 2002/0045010 or unpatentable over Rohrbaugh et al. in view of Kuchinski et al. US Patent No. 6001494, the Boire US Patent No. 6103363, the Hanson US Patent No. 4267209, the Tsujimichi et al. US patent publication no. 2001/0036897 and the Kamen et al. US Patent No. 5585153, as these rejections may be attempted to be applied to the new claims, are respectfully traversed.

In support of this traverse, it is first of all pointed out that, as admitted by the Examiner, that Rohrbaugh et al. and the other references do not teach applicant's method.

The Examiner states that the other references teach similar or analogous steps or steps equivalent to applicant's method steps and similar or analogous or equivalent materials to applicant's materials. However these references do not establish solid evidence to support the Examiner's rejections.

See Ex parte Leavell, 212 USPQ 763 where Mr. Williamowsky speaking for the Patent and Trademark Board of Appeals stated:

"The legal conclusion of obviousness must be bottomed on a solid evidentiary base."

Further, it appears that the Examiner is using impermissible hindsight in

attempting to draw a mosaic of allegedly similar or allegedly equivalent materials or steps from 6 disparate references to reject applicant's claims. This is clearly improper.

For the foregoing reasons, applicant submits that the all the claims now pending in the subject application are clear of the art of record and otherwise in condition for allowance. An early and favorable action to that end is requested.

Respectfully submitted,

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